

Social Responsibility and Health from a Confucian Perspective: A Response to Professor Fan Ruiping

Introduction

In this paper Professor Fan attempts to interpret and evaluate Article 14 of the UNESCO Declaration in Bioethics and Human Rights from a Confucian perspective. He argues that the Confucian tradition could fully endorse 14.1, which states that governments as well as society as a whole are responsible for the promotion of health and social flourishing. Fan then proceeds to examine 14.2, pointing out that there are two possible interpretations to the right to health it articulates. Rejecting what he calls the ‘radical egalitarian principle’ Fan argues in favour of interpreting this clause as making the provision of ‘a decent minimum standard of health’ obligatory for governments and societies. He maintains that this approach would be consistent with the Confucian tradition, pointing out that its cardinal virtue, Ren (humaneness), requires individuals to practice universal but not egalitarian love. In the final section of his paper, Fan briefly describes what ‘a decent minimum standard of health’ might look like. He suggests that the vision of a decent minimum standard should not be internationally ambitious, and that prominent health issues, not egalitarian projects, should be accorded priority.

Fan has offered an incisive analysis and interpretation of Article 14 within the political and ethical framework of the Confucian tradition. He has succeeded in showing how the Confucian understanding of society and moral responsibility is not inimical to the moral vision espoused in the UN Declaration, especially with reference to Article 14. I am in total agreement with Fan’s reading of this Article in light of Confucianism. I also think that Fan is right to maintain that Confucianism generally does not support an egalitarian approach to health and health care, that its approach is more nuanced, and perhaps more realistic. In what follows, I would like to take up three or four critical ideas in Fan’s paper either to expand on them or to throw them into sharper relief.

The Role of Government

The first important issue that demands closer analysis is the role of government in human flourishing. Article 14 makes it clear that the ‘promotion of health and social development’ is not only one of the many

responsibilities of the government but its ‘central purpose’. While it is a responsibility that all sectors of society must share – and we shall look closely at this in the next section – there is a profound sense in which the government must play a significant role. This is because ‘health’ in this article must be understood in the broadest possible way as wellbeing, making its provision and promotion a complex undertaking. There are two ways in which health in this broad sense could be understood philosophically. The first is the bio-statistical conception, according to which health is understood in terms of a biological state that is typical of a particular species. Thus, according to this approach, ‘a healthy organism is an organism where all parts are functioning at their species level’. The second approach is the action-theoretic conception, where health is understood as self-determination, the ‘ability to pursue autonomously chosen goals’.¹ Although Article 14 appears to favour the second conception of health, both are important in their own distinctive ways. The scope of the task involved in the provision and promotion of health and social development understood in the broad sense is indicated in the important but by no means comprehensive list provided in 14 a-e.

Professor Fan is correct in arguing that 14.1 would pose no real problem for Confucianism. In fact, the Confucian tradition has some very profound stipulations on the role of the king or the government vis-à-vis the people in their charge. Classical Confucian scholars agree that the most basic task of the government is to alleviate suffering and help citizens to pursue material wealth and social wellbeing. In this way, Fan is absolutely right to say that the government in the Confucian tradition must always exercise benevolent rule over its subjects. This is axiomatically expressed in the proposition that ‘Heaven did not create the people for the sake of government; Heaven established government for the sake of the people’. In securing material welfare for the people, it is important to note that according to the Confucian tradition, it is not the responsibility of the government to provide for and manage every aspect of their lives. Instead, as Joseph Chan has argued, ‘The government’s job is rather to provide the conditions in which people can make a living so that they can help their families and relatives if they are in need’.² However, the government’s role is undeniable in that its failure to act responsibly could result in hardship. Mencius, for example, believe that

¹ UNESCO, On Social Responsibility and Health. Report of the International Bioethics Committee of UNESCO (IBC), UNESCO, 2010, 20.

² Joseph Chan, ‘Giving Priority to the Worst Off: A Confucian Perspective on Social Welfare’, in Daniel A. Bell and Hahm Chaibonh (Eds), *Confucianism for the Modern World* (New York: Cambridge University Press, 2003), 237.

poverty is often caused by misrule in the form of heavy taxation, improper distribution of land and indistinct land boundaries (Book I, A:7).

An important virtue that governments must exemplify is *Yi* ('rightness'), which according to Yang Xiao should be understood as justice in Confucian ethics. Now, Confucian scholars including Fan have rightly noted that in the Confucian tradition, there is no direct term for justice. Although in the Confucian literature, there can be found nuanced discourses on social concern and related issues, Fan writes, what is absent is a 'single concept congruent with the Western notion of justice ...'³ Scholars, however, maintain that *Yi* comes closest to expressing what may be described as the *sense of justice* in Confucianism. As Alan Fox puts it, '*Yi* as it functions in the Confucian sense is a kind of moral intuition, a sense of right and wrong, which might be described as serving justice, but certainly not constituting it'.⁴ *Yi* can also refer to fair-mindedness or moral objectivity that refuses to judge others on the basis of prejudices, personal biases and grudges. But, as Yang has argued, it is not necessary for *Yi* to always mean 'just' for us to come to the conclusion that there is the idea of justice in Confucianism. 'The fact that *sometimes* it behaves like "just"', he writes, 'is enough for proving that there is a concept of justice in ancient China'.⁵

Be that as it may, what is interesting is that scholars like Yang Xiao maintain that in Confucianism *Yi* is always exercised in response to concrete situations. In his paper Yang presents the idea of a 'strict universalist' to bring out the context-dependent way in which the Confucian tradition understands ethics. According to Yang, a 'strict universalist' would see a course of action as just or unjust in every situation. For him, however, Confucian ethics is profoundly sensitive to what he calls 'the richness and complexity of the particular'. Thus, although Confucianism is not averse to the idea of general rules, it insists that their application depends on the particularities of the situation at hand. Yang could therefore go so far as to say that 'If someone invariably sticks to a general rule, he does not have *yi*'.⁶ This has profound

³ Ruiping Fan, 'Social Justice: Rawlsian or Confucian?' in Bo Mou (Ed.) *Comparative Approaches to Chinese Philosophy* (Hampshire, UK: Ashgate Publishing, 2003), 143.

⁴ Alan Fox, 'The Aesthetics of Justice', *Legal Studies Forum* 19:1 (1995), 44.

⁵ Yang Xiao, 'Trying to Do Justice to the Concept of Justice in Confucian Ethics', *Journal of Chinese Philosophy* 24 (1977), 531.

⁶ Yang, 'Justice', 540.

implications to the Confucian understanding of distributive justice, as we shall see.

Family and Community

We turn our attention next to the societal role that is also emphasised in Article 14 of the UNESCO Declaration. The promotion of health and social development is the responsibility not just of governments but also that of ‘all sectors of society’. This resonates with the Confucian vision, which, as many scholars have pointed out is radically social. Using a vivid imagery, the social anthropologist Fei Xiaotong describes Chinese society as ‘rings of successive ripples that are propelled outward on the surface when you throw a stone into water. Each individual is the centre of the rings emanating from his social influence. Wherever the ripples reach, affiliations occur’.⁷ While Fan is right to focus on the family as the fundamental unit in society, it is the Five Relationships in the Confucian vision of society that provides the taxonomy of a moral community.⁸ The familial context is extremely important, for it is there that self-cultivation begins and develops, and this in turn enables one to act responsibly and compassionately towards others in society.⁹ In addition, the Confucian tradition maintains that if everyone plays his or her role properly, there will be peace under Heaven. As Henry Rosemont explains, the Five Relationships form the essence of human sociality according to the Confucian tradition:

... there can be no *me* in isolation, to be considered abstractly: I am the totality of roles I live in relation to specific others. I do not *play* or *perform* these roles; I *am* these roles. When they have all been specified I have been defined uniquely, fully and

⁷ Fei Xiaotong, ‘Chinese Social Structure and Its Values’, in *Changing China: Readings in the History of China from the Opium War to the Present*, (ed.) Mason Gentzler (New York: Praeger, 1977), 211.

⁸ Grouped in paradigmatic pairs, the Five Relationships according to Confucianism covers the whole of society: (1) Ruler and Ministers; (2) Father and Son; (3) Husband and Wife; (4) Elder and Younger; and (5) Friend and Friend.

⁹ Thus, according to *The Book of Odes*, ‘A young person who is filial and respectful of his elders rarely becomes the kind of person who is inclined to deft his superiors, and there has never been a case of one who is disinclined to defy his superiors stirring up rebellion. The *junzi* applies himself to the roots. “Once the roots are firmly established, the Way will grow”. Might we not say that filial piety and respect for elders constitute the root of *Ren*?’ (I.2).

altogether, with no remainder with which to piece together a free, autonomous self.¹⁰

The Confucian Five Relationships stress that there can be no ‘oxymoronic private citizen’, to use Robert Bellah’s arresting phrase,¹¹ no split between self and society. The Confucian vision therefore is fundamentally inimical to the Western notion of a contractual society where justice is tied to individual rights.¹² Although in Confucianism we have a vision of society that is more communal and relational (as opposed to the contractual) its notion of social responsibility is shaped by the important principle of the ‘gradation of love’, as Fan has pointed out. This means that although one should be *Ren* to all people, its first and greatest application is still to one’s relatives, especially one’s parents. ‘A person of *Ren* must love first his father and elder brothers’, writes Li Chenyang, ‘and then, by extension, other people’.¹³

In addition, a Confucian understanding of social responsibility is not based only on the way in which society is imagined and structured. It is also established on the profound virtues whose cultivation it encourages. Confucianism holds that human beings have the basic and natural capacity for sympathy, that is, the ability to identify with the plight of others by putting themselves in their places, so to speak. This is expressed profoundly in the Confucian concept of *shu* (‘reciprocity’), which some scholars have described as the principle of reversibility where one imagines oneself in the place of others in order to sympathise with what they are going through. Put differently, *shu* provides the perspectival and phenomenological grounds for appropriate response to the other. Over and above this, there is the virtue of *Ren* – so important in Confucianism – that is variously translated as humaneness, benevolence and even compassion. Mencius made *Ren* the foundation of his ethics when he said that ‘No man is devoid of a heart sensitive to the suffering of others ... The heart of compassion is the germ of *Ren*’ (2A: 6). *Ren* is

¹⁰ Henry Rosemont, ‘Why Take Rights Seriously? A Confucian Critique’, in *Human Rights and the World’s Religion*, Ed. By Leroy S. Rouser (Notre Dame: University of Notre Dame, 1988), 177.

¹¹ Robert Bellah, Richard Madsen, William M. Sullivan, Ann Swidler, Steven M. Tipton, *Habits of the Heart: Individualism and Commitment in American Life* (Berkeley: University of California Press, 1985), 271.

¹² Li Chenyang, ‘The Confucian Concept of Jen and the Feminist Ethics of Care: A Comparative Study’, *Hypatia*, Volume 9 (1) 1994, 71.

¹³ Li ChenYang, ‘The Confucian Concept of *Ren* and the Feminist Ethics of Care: A Comparative Study’, in *Confucian Political Ethics*, edited by Daniel A. Bell (Princeton: Princeton University Press, 2008), 184.

the key concept that guides human relations. Thus, Confucius can go so far as to say that ‘*Ren* is to love others’. *Ren*, therefore, is the perfect virtue, the inner spirit of ritual (*li*). It is therefore pertinent to note that the phrase ‘a spirit of brotherhood’ was inserted in Article 1 of the UDHR at the request of the Chinese representative C. P. Chang.¹⁴

Thus, the family-centric character of the Confucian understanding of social responsibility does not imply that one has no moral obligation to meet the needs of those outside of one’s social circles. As we have seen, although *Ren* or benevolence is often realised in the context of familial relationships, its application and reach must extend beyond one’s immediate social circles. *Ren* also compels us to respond appropriately to strangers in need. Thus, although Confucianism does present a graded view of social responsibility beginning with one’s family, the potentially unlimited scope of benevolence suggests that care should also be extended to strangers. In fact 12.5 broadens the idea of the family to include all people from the ‘Four Seas’, that is, all people. Mencius could therefore say: ‘A person of *Ren* embraces all in his love’ (7A. 46). Therefore it is this whole cluster of virtues, which both the government and society must embody – *yi* (‘rightness’), *shu* (‘reciprocity’), *Ren* (‘humaneness’) and *zhou* (‘keeping the public interest in mind’) that shapes the Confucian vision of social responsibility. And although it is true to say that in Confucianism the word ‘justice’ is absent, as Erin Cline has persuasively argued, these ideas ‘together reveals a commitment to cultivating a sense of justice in members of society’.¹⁵

Decent Minimum Healthcare

We turn finally, and very briefly, to the discussion on the application of the Confucian vision of society specifically in the provision of healthcare. The assertion in Article 14 that ‘the highest attainable standard of health’ is a fundamental human right is somewhat problematic and lends itself to different interpretations. Fan is right to reject what he calls ‘radical egalitarianism’ that pursues equality for its own sake. Radical or strict egalitarians hold that justice irreducibly requires the quest for a relational ideal that is concerned not just with adequate provision for the worst off

¹⁴ P.C. Chang, ‘Chinese Statements During Deliberations on the UDHR (1948), in *The Chinese Human Rights Reader: Documents and Commentary 1900-2000* (Armonk, New York: M.E. Sharpe, 2001), 206-13.

¹⁵ Erin Cline, *Confucius, Rawls, and the Sense of Justice* (New York: Fordham University Press, 2013), 150.

because they are doing poorly in absolute terms, but rather more fundamentally with how some fare in comparison with others.¹⁶ Critics have mounted a number of objections against radical egalitarianism.¹⁷ Once equality is pursued for its own sake, they argue, the wellbeing of the better off must be reduced (levelling down) in order that the wellbeing of the worst off can be improved (levelling up). Apart from the unfeasibility of the proposal, radical or strict egalitarians must also defend their view that equality for its own sake, and not some other moral precept, is indispensable for a theory of justice.

However, equality is an important aspect of justice, and as Amartya Sen has rightly argued,¹⁸ every reasonable moral / political theory, including the one that Fan promotes in his paper, is an egalitarian theory. Thus, for Sen, the question is not 'whether equality' but rather 'equality of what?' What is it that should be equally distributed in society for it to be just? And in light of our discussion, what level of healthcare should be made accessible to all, especially to the worst off? In his paper, Fan proposes that everyone has the fundamental right to a 'minimum standard of health'. This approach is to be preferred to the sufficiency criterion proposed by Harry Frankfurt, which is too dependent on personal preferences and desires.¹⁹ The decent minimum criterion assumes a social consensus on what constitutes a decent level of wellbeing. However, it should be pointed out that with respect to the spirit of Article 14, the decent level of wellbeing must not be given too minimalistic an interpretation. In other words, a decent level of healthcare must not be taken to mean providing just enough to make life marginally tolerable. This in turn suggests that even among countries that offer the 'minimum standard of health', the provision of healthcare for the needy will vary in different contexts, depending on their economic abilities.

¹⁶ See L. Temkin, *Inequality* (Oxford: Oxford University Press, 1993); L. Temkin, 'Justice and Equality: Some Questions About Scope', *Social Philosophy and Policy*, 12:72-104; D. Parfit, 'Equality or Priority? (Lindley Lecture, University of Kansas), 1991; D. Parfit, 'Equality and Priority' in *Ideals of Equality*, Edited by A. Mason (London: Wiley-Blackwell, 1998), 1-20.

¹⁷ J. R. Lucas, 'Against Equality', *Philosophy* 40:296-307; J.R. Lucas, 'Against Equality Again', *Philosophy* 52:255-80.

¹⁸ Amartya Sen, *Inequality Reexamined* (Cambridge Mass.: Harvard University Press, 1992), 12-16.

¹⁹ Harry Frankfurt, 'Equality as a Moral Ideal', *Ethics* 98, October 1987, 21-43.